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REMARKS

Claims 1-20 are pending in the application. Claims 3-4 are now canceled.

The drawings were objected to under 37 C.F.R. § 1.83(a). The objection is now moot since Claims 3-4 have been canceled.

Claims 1-2 and 5-20 were rejected under 35 U.S.C. § 102(a) as being anticipated by Rohaly, *et al.* In response, a declaration by the inventor is being filed concurrently herewith. As declared by the inventor, the other co-author is not an inventor or co-inventor of the claimed subject matter. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1, 5-7 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Altschuler, *et al.* in view of Hart. The rejection is respectfully traversed.

Altschuler discloses a coded pattern projection system. At col. 1, lines 57-60, Altschuler states that "stereophotogrammetry requires a human operator to determine corresponding scene positions in different photographs, and is, therefore, too slow for real-time applications." It is improper to combine references where the references teach away from their combination. Altschuler's statement relates to correlation and suggests that such correlation is too slow and, therefore, teaches away from using correlation processing of images. Thus, it would not be obvious to combine the teachings of Altschuler with the correlation taught by Hart. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-4, 8 and 10-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Altschuler taken with Hart and Gharib. The rejection is respectfully traversed.

Gharib discloses rotation of a shutter (or blocking element) in relation to an aperture with three fixed openings (col. 4, lines 8-13).

In contrast, the present invention relates to an aperture element that rotates. With Gharib, the positions of the aperture openings are fixed and cannot be altered; with the present system, there can be any number of positions of the aperture opening by rotating the aperture element. This allows for non-equilateral spacing of the aperture openings also. Reconsideration and withdrawal of the rejection is respectfully requested.

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Information Disclosure Statement

An Information Disclosure Statement (IDS) is being filed concurrently herewith to cite the reference listed at page 5, line 26 through page 6, line 2 of the specification. Entry of the IDS is respectfully requested.

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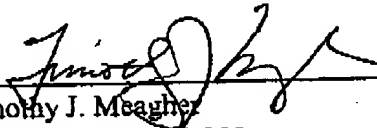
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CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Dated: 9/23/03